

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DIGITAL BROADCASTING NETWORK,
INC.

Plaintiff,

vs.

ASSOCIATION OF PHYSICIANS OF
PAKISTANI-DESCENT OF NORTH
AMERICA,

Defendant.

CASE NUMBER 08-cv-3843 (RWS) (HP)

**AFFIDAVIT OF ASAAD K. SIDDIQI, ESQ.,
IN SUPPORT OF APPLICATION OF
DEFAULT AGAINST DIGITAL
BROADCASTING NETWORK, INC.,
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 55(a)**

ASAAD K. SIDDIQI, ESQ., being duly sworn, deposes, and says:

1. I am a member of the Bar of this Court and am associated with the firm of Walder, Hayden & Brogan, P.A., attorneys for defendant, Association of Physicians of Pakistani-descent of North America (“APPNA”), in the above-entitled action.

2. I make this affidavit pursuant to Rule 55(a) of the Federal Rules of Civil Procedure in support of APPNA’s application for the immediate entry of a default against plaintiff, Digital Broadcasting Network, Inc. (“DBN”).

3. I am familiar with the procedural circumstances of this action.

4. This action was commenced in this Court on April 18, 2008 with APPNA’s filing of a notice of removal.

5. On April 23, 2008, APPNA timely filed and served its answer and counterclaim by serving Vivek Suri, counsel for DBN, by Federal Express.

6. The service of APPNA’s answer and counterclaim is confirmed by the certification of service filed by APPNA’s counsel on June 9, 2008.

7. The default of DBN has been noted by the Clerk of the Southern District of New York, as demonstrated by the attached "clerk's certificate." See Exhibit A.

8. As reflected by Exhibit A, DBN has failed to plead or otherwise defend the action.

WHEREFORE, pursuant to Federal Rule of Civil Procedure 55(a), the Association of Physicians of Pakistani-descent of North America respectfully requests that the Clerk of the Southern District of New York immediately enter Default against Digital Broadcasting Networking, Inc.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment pursuant to 28 U.S.C. § 1746 and/or Federal Rule of Civil Procedure 11.

WALDER, HAYDEN & BROGAN, P.A.

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Attorneys for Defendant

Association of Physicians of

Pakistani-Descent of North America

By: _____/s/_____

ASAAD K. SIDDIQI

Dated: New York, New York
July 25, 2008

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CLERK'S CERTIFICATE

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on April 18, 2008 with defendant's filing of a notice of removal. On April 23, 2008, defendant filed and served its answer and counterclaim plaintiff by serving Vivek Suri, counsel for plaintiff, by Federal Express on April 23, 2008. The service of defendant's answer and counterclaim is confirmed by the certification of service filed by defendant's counsel on June 9, 2008.

I further certify that the docket entries indicate that the plaintiff has not filed an answer or otherwise moved with respect to defendant's counterclaim herein. The default of the plaintiff is hereby noted.

Dated: New York, New York

July 21, 2008

J. MICHAEL MCMAHON
Clerk of the Court

By:
Deputy Clerk